

NOT FOR PUBLICATION

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

YVESE CALIXTE,)	
)	
)	
Plaintiff,)	
)	
v.)	
)	Civil No. 2008-38
ROLINDA MCCARTHY,)	
)	
)	
Defendant.)	
)	
)	
)	

ATTORNEYS:

Robert L. King, Esq.
St. Thomas, U.S.V.I.
For the plaintiff,

Scot F. Mcchain, Esq.
St. Croix, U.S.V.I.
For the defendant.

ORDER

GÓMEZ, C.J.

Plaintiff Yvese Calixte ("Calixte") originally commenced the above-captioned personal injury action against International Rental & Leasing Corporation d/b/a Budget Rent-A-Car ("Budget") and Rolinda McCarthy ("McCarthy"). On May 16, 2008, Budget filed a motion to dismiss the above-captioned matter for lack of subject matter jurisdiction, arguing that there was not complete diversity because both it and Calixte were citizens of the Virgin Islands. On May 21, 2008, Calixte moved to amend her complaint

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to remove Budget as a defendant. The United States Magistrate Judge subsequently granted Calixte's motion to amend. Because Budget is no longer named as a defendant in the above-captioned matter, it is hereby

ORDERED that the May 16, 2008, motion to dismiss is **DENIED** as moot.

S_____
Curtis V. Gómez
Chief Judge